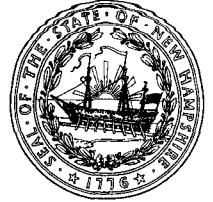




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 28, 2006

LETTER OF DEFICIENCY #WSEB 06-146
Certified Mail #7005 1160 0004 7468 8096

Vessarios Liakas
59 Range Road
Windham, NH 03087

Subject: Windham - Public Water System: Windham Restaurant (EPA #2548130)

Dear Mr. Liakas:

The records of the Department of Environmental Services (DES) show that the Windham Restaurant water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples to the NH State laboratory or a State-certified laboratory for chemical analyses in compliance with NH Administrative Rules Env-Ws 326. Pursuant to Env-Ws 351, a PWS owner is also required to perform public notice of a monitoring/reporting violation within 30 days of learning of the violation and to submit proof of public notice to DES within 10 days of performing the public notice.

DES records indicate that on February 10, 2006, you were sent a Notice of Violation ("NOV") for failure to submit a nitrate sample result for Quarter 4, 2005. The NOV requested that within 30 days of the date of the NOV, a make-up nitrate sample be collected and public notice of the monitoring violation be performed. The NOV also requested that proof of public notice be sent to DES within 10 days of performing public notice. DES did not receive the results of the requested nitrate make-up sample or proof of public notice.

As a result of the failure to submit proof of public notice of the nitrate monitoring violation, you were issued another NOV, dated June 19, 2006, which requested public notice to be performed within seven days and proof of public notice to then be sent to DES immediately. DES still has not received the requested proof of public notice.

DES believes the above cited violations can be corrected and future violations prevented by taking the following actions:

1. **By October 10, 2006**, submit a make-up water sample for nitrate analysis to the State laboratory, or a State-certified laboratory, in accordance with Env-Ws 326; and

2. **By October 10, 2006**, submit proof of public notice for above cited chemical monitoring violations, in accordance with the instructions on the enclosed public notice templates.

The proof of public notice and copies of sample results, as requested above, should be addressed as follows:

Leah McKenna
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event compliance is not achieved within the period set forth above, DES may initiate formal action against the system, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please be advised that the submission of the requested make-up nitrate sample does not relieve the water system from submitting all required 2006 water quality samples. To assist you in meeting sampling requirements, a copy of the system's Master Sampling Schedule is enclosed.

If you have any questions regarding this letter, please contact Leah McKenna at (603) 271-0655 or by email at lmckenna@des.state.nh.us.

Sincerely,

 **COPY**

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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encl: Master Sampling Schedule
Public Notice Template
Analysis request form-make up version

cc w/o encl: Gretchen R. Hamel, DES Legal Unit Administrator
Paul Raische, Licensing Supervisor, DHHS Bureau of Food Protection
Alfred Turner, Town of Windham Health Officer
EPA, Region 1